

**United States District Court
for the
District of Massachusetts**
Civil Action

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U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Richard Martin
(Plaintiff)

Docket Number

v.

Whole Foods Market
(Defendant)

Parties

Martin: 39 Kingston Street, Boston, MA 02111

Whole Foods Market: 550 Bowie Street; Austin, TX 78703

Jurisdiction

28 U.S. Code § 1332 - Diversity of citizenship; amount in controversy; costs

- Plaintiff and defendant are citizens of different states
- Matter in controversy exceeds 75,000 USD

Statement of Facts

I was sexually harassed and assaulted by at Whole Foods Market(15 Westland Ave; Boston, MA 02115) on the morning of September 20th, 2015 by an employee. I attempted to get help from other employees but no one helped me.

The offender first started making me uncomfortable while I was deciding what yogurt to buy. For example, he violated my personal space when he walked very close behind me without saying excusing me.

PM 9/21

When I was paying for my items, I let the cashier know that one of the other employees ~~was~~ making me uncomfortable. She did nothing. *I do not hold her personally responsible. I do not believe that she has been properly trained.*

As I was sitting down at a table to consume my food, I noticed an odd expression on the offender's face from over by the coffee.

It made me very uncomfortable when he was waiting to use the restroom and standing near my table. My body language should have let him know that I did not want him around me.

I got up to throw away my trash. When I came back, he was hovering over one of my bags. It made me uncomfortable that I had to get so near to him to retrieve my bag. Finally I said, "You need to give people space" and walked towards customer service.

I let Nick(employee) know that the offender was making me uncomfortable. He said he would request a manager. I was leaving that area to get a cup of coffee at the station nearby.

Immediately, I felt something hit my foot. I turned around. It was the offender very close to me. I don't know if he was actually again making contact at this point but he was very very close to me. It made me extremely uncomfortable. He was very purposely invading my personal space and attempting to intimidate me. *Honestly, I believe that he thinks this behavior is acceptable.*

I told him to get away from me. He proceeded to charged directly at me. I feared his body would make contact with mine. Not wishing for his body to contact mine, in self defense, I pushed him away.

When I pushed him, he started to attack me. I continued to attempt to defend myself and keep him away. Every move I made was defensive.

I didn't want to fight him. I only wanted him to leave me alone. When he finally stopped his assault, he said something about having enough of you people. I think he was talking about white men.

I am not a racist or xenophobe. However, I do not believe not being a racist or xenophobe requires me to allow anyone to abuse me.

I explained to Kevin(employee) what had happened. He immediately started victim blaming: "What did you hit yourself on?" Later, he made an implied accusation that I "got in the offender's face." I had not. The offender was clearly the aggressor. Again, I simply wanted to be left alone.

Several hours later, I still have a headache(approximately 5 hours). I have I went to the hospital. They said I might have a concussion.

Physical Injuries:

- abrasion(inside mouth left side)
- abrasion(*Exhibit A*, area of face just above chin)
- pain(intense, left elbow)
- pain(intense, left upper back)

I did not file a report with the Boston Police Department because in my experience they are unprofessional, abusive, and somewhat stupid: I did not want to be further violated.

I did submit a complaint via Whole Foods Market's website(*Exhibit B*).

Statement of Claims

I. Intentional infliction of emotional distress

A. Whole Foods Market is liable for the intentional, extreme, and outrageous acts I experienced:

1. when the offender intentionally made me uncomfortable by attempting to intimidate me
2. when the cashier did not get help
3. when the offender's foot hit my foot
4. when the offender charged towards me without cause
5. when the offender first hit me with one of his fists
6. all subsequent blows I received
7. when Kevin(employee) started victim blaming

II. Negligence

A. Whole Foods Market had a legal duty to the exercise reasonable care towards me when I was at its store. It failed to exercise reasonable care and I suffered severe emotional distress as a direct result of it not exercising reasonable care when:

1. it did not properly train its employees not to sexually harass(male to male)
2. it did not properly train its employees not to intentionally intimidate customers
3. it did not properly train its employees to handle claims of harassment
4. it did not properly train its employees to handle employee on customer violence
5. its employee sexually harassed me
6. all the contacts the employee made with me that were meant to harm me

III. Assault and Battery

A. Whole Foods Market is liable for all the contact the offender made with me me. All of this contact was intentional, injurious, and offensive, without my permission, and very much against my wishes.

Request for relief

I hope to lower the risk of others experiencing variations of the previously mentioned behavior while at Whole Foods Market Stores.

I am requesting:

- an injunction for Whole Foods Market to overhaul its policies and procedures to prevent employees of Whole Foods Market from sexually harassing and committing assaults and batteries against other shoppers at its stores
- offender be immediately terminated
- 10,000,000 USD in compensatory and punitive damages

Jury Demand

I demand a trial by jury in regards to this complaint.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 20th, 2015,

A handwritten signature in black ink, appearing to read "Richard B. Martin Jr.", with a stylized flourish at the end.

Richard B. Martin Jr.

RichardB.MartinJr
(@gmail.com)

240-394-5707

39 Kingston Street

Boston, MA 02111